

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA)	
)	
)	3:17-cr-82
v.)	
)	Judges Varlan/Shirley
)	
RANDALL KEITH BEANE, and)	
HEATHER ANN TUCCI-JARRAF)	

UNITED STATES’S PROPOSED VOIR DIRE QUESTIONS

The United States of America, by and through J. Douglas Overbey, United States Attorney for the Eastern District of Tennessee, hereby submit the following proposed *voir dire* questions.

1. In this case, the defendants have chosen to represent themselves, which is their constitutional right. I have advised the defendants that they may be at a disadvantage in representing themselves since Defendant Randall Keith Beane is not trained as an attorney and Defendant Heather Ann Tucci-Jarraf is not licensed as an attorney. The law does not allow me to assist them or to relax the rules that apply to the trial of this case. Likewise, the attorneys for the United States must treat them as if they were an attorney. Further, the fact that they have chosen to represent themselves must not enter into your deliberations, if you are chosen as a juror in this case. Will the fact that the defendants are representing themselves cause anyone on the panel to be less than fair and impartial as a juror to either side in this case?
2. In those cases in which a defendant chooses to represent him or herself, the Court has the power to appoint standby counsel. The role of standby counsel is limited. In fact, it is up to the defendants whether he or she asks the counsel for any guidance. Is there anyone on

the jury panel who would be distracted by standby counsel's role, or non-role in this case? Is there anyone who would be less than fair and impartial to the defendants because they choose not to seek any assistance from standby counsel?

3. The indictment alleges that the defendant, Randall Keith Beane participated in a wire and bank scheme to defraud USAA Federal Savings Bank. The indictment also alleges that the defendants Randall Keith Beane and Heather Ann Tucci-Jarraf engaged in a conspiracy to commit money laundering. Does anyone on the jury panel have any personal knowledge of the facts in this case? Has anyone read or seen anything about this case on the internet or in the news media?
4. Is there anyone who thinks that the United States government should not regulate fraudulent conduct that causes wire communications in interstate commerce?
5. Randall Keith Beane has been charged with engaging in a scheme to defraud USAA Federal Savings Bank, a bank whose deposits are insured by the Federal Deposit Insurance Company. Is there anyone who thinks that Congress should not criminalize fraudulent conduct directed at banks insured by the FDIC?
6. Is there anyone on the jury panel that is a member or that banks at USAA Federal Savings Bank?
7. Is there anyone on the jury panel that banks at Whitney Bank?
8. Have you or any close member of your family ever worked in the banking industry?
9. Have any of you had any training in accounting or law? If so,
 - a. What kind of training?
 - b. Would that training affect your ability to follow the Court's instructions on the law to be applied in this case?

- c. Does everyone know that an attorney must be licensed to practice law?
- 10. Has anyone on the panel either themselves, family members, or close personal friends ever been a victim of a financial scheme?
- 11. Does anyone have any specialized knowledge or training in computer programming?
What kind of training? Is there anything about your training or knowledge that would affect your ability to be fair and impartial toward either the defendants or the government?
- 12. Is anyone on the panel familiar with the internet web sites such as YouTube or Facebook?
 - a. Is anyone familiar with the manner and mean of uploading a video or audio?
 - b. Does everyone realize that anyone can put just about anything on the internet without any fact checking?
 - c. Does anyone believe everything they read or see on the internet?
 - d. Anyone maintain a blog?
- 13. Does anyone have any feelings or philosophical beliefs about the Internet or the worldwide web that would prevent you from deciding this case based solely on the law and evidence?
- 14. Has any member of the panel, or any member of your family, or any of your close friends ever had any difficult or unpleasant experiences with any agency of the federal government, including the FBI or the United States Attorney's Office?
- 15. Do you, for whatever reason, have any strong personal feelings against the federal government?

16. Have you or any member of your family been involved in any proceeding with a federal or state governmental agency that has not been resolved to your satisfaction?
17. Has anyone subscribed to the belief that the federal government does not exist or has no power to make laws?
18. Does the fact that the United States of America is a party to this case cause you to feel uncomfortable sitting as a juror or cause you to feel any bias or prejudice for or against the United States such that you cannot sit as a fair and impartial juror?
19. You will also hear from law enforcement officers in this case. Individuals who worked with the Federal Bureau of Investigation. Has anyone had any experiences, positive or negative, with this agency that would affect their ability to serve as a juror on this case? Does anyone believe that a police officer or a law enforcement agent is more or less believable any other witness simply because of their employment?
20. Some of the evidence in this trial are audio recordings made by either one of the defendants or USAA Bank. Some of the conversations that were recorded are more audible than others. Does anyone expect the tapes to be of sound studio quality? Does anyone require intercepted conversations to be crystal clear, with the speakers using good diction and grammar, before they would consider the recordings as evidence? Does anyone have any concerns about their hearing or their ability to listen to conversations?
21. One of the elements that the government must prove beyond a reasonable doubt in every criminal case is a defendant's intent. The Court will instruct you on what the law requires in terms of the defendant's intent in this case. Do any of you believe that you would be unable to assess another person's intent? Since we cannot look into a person's mind to determine what their intent was at a given time, intent is often proven by the acts

of a defendant and inferences that may be drawn from the circumstances surrounding a particular act. Direct evidence has no greater weight under the law than circumstantial evidence. Can all of you consider circumstantial, as well as direct, evidence in deciding whether the defendants had a specific intent to commit the charged crimes?

22. Has anyone had a particularly bad experience with the police or the criminal justice system? Would that experience have an effect on how you decide this case?

23. Do you, any member of your family or any close social associate hold any personal belief, conviction or prejudice against the criminal laws of the United States such that you could not sit as a fair and impartial juror in this case?

24. Do you, any member of your family or any close social associate hold any personal belief, conviction or prejudice against the laws generally of the United States or any belief that the United States has no authority over its citizens, such that you could not sit as a fair and impartial juror in this case?

25. The United States will call a witness who is employed by the United States Federal Reserve. Do you have any prejudice or bias against a witness employed by the Federal Reserve that you could not sit as a fair and impartial juror in this case?

26. Have any of you ever been arrested or charged with committing a crime¹ (other than a minor traffic offense like speeding)?

27. Have any of you ever had a relative or close friend arrested or charged with committing a crime (other than a minor traffic offense)?

a. How long ago?

¹28 U.S.C. § 1865—individuals with felony charges now pending or convicted are not qualified to serve as jurors.

- b. State or federal?
 - c. Would some things from that experience make it even slightly more difficult for you to decide this case?
 - d. Would you be uncomfortable serving?
28. Does anyone know anyone who has been prosecuted in federal court?
29. How many people here have sat on a jury before?
- a. Was it criminal or civil?
 - b. Did the jury reach a verdict? What was it?
30. How many people here feel that for religious reasons they could not sit in judgment of another?

Respectfully submitted,

J. DOUGLAS OVERBEY
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CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2018, a copy of the foregoing *United States's Proposed Voir Dire* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ Cynthia F. Davidson
Cynthia F. Davidson
Assistant United States Attorney